

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

May 23, 2008

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No:05HD-199
HAWAII

Amend Prior Board Action of March 28, 2008 (Item D-4) Set Aside to County of Hawaii for Park, Recreational, and Ancillary Purposes; and Cancellation of Revocable Permit No. S-7165; Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-1-5:28

BACKGROUND:

The Land Board at its meeting of March 28, 2008, under agenda Item D-4 approved to recommend to the Governor setting aside 2.319 acres to the County of Hawaii for park, recreational, and ancillary purposes. Due to a fire in 1986, the former Orchid Isle Hotel site has remained vacant and under utilized. The County is seeking to expand and redevelop the County's existing Reed's Bay Beach Park which is located adjacent to the State property. Addition of the State property will allow the County to enhance the attractiveness of the area and allow for a greater diversity of compatible uses, improve the safety of the beach, and preserve the water quality of the bay.

REMARKS:

During the processing of the document, the Attorney General's office pointed out the existence of a ten (10) foot wide right-of-way along the southern boundary of the State property and inquired if the Department would be responsible for this right-of-way. The right-of-way does not appear on the tax map. Upon further research by staff, it was discovered the right-of-way was created by the Department (approved by the Land Board at its meeting of March 12, 1965) to ensure the public use of the oceanfront would not be hampered because the new tenant would be required to construct a four-story building. Later a new lease awarded at public auction on April 12, 1965 to Tradewind Resorts, Inc. (General Lease No. S-3908).

The right-of-way is no longer needed because the County is expanding Reed's Bay Beach Park on the State property. Access to the ocean will not be hindered.

Furthermore, the seaward boundary of the State property will be

the mean lower low water mark (also known as the low, low or at low tide, the low water mark). This will allow for management and enforcement of the area by the County.

Upon Board approval of these changes, we will instruct DAGS Survey Division to provide us with revised map and description of the State property.

RECOMMENDATION: That the Board:

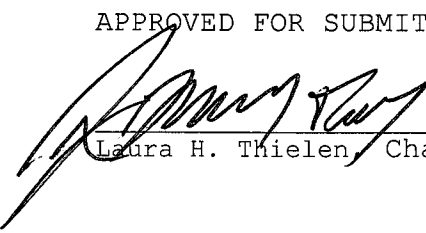
1. Amend its prior Board action of March 28, 2008, under agenda item D-4 by adding:
 - a. extinguish the ten (10) foot wide right-of-way along the southern boundary of the State property, and
 - b. the seaward boundary of the State property will be the mean lower low water mark (also known as the low, low or at low tide, the low water mark).
2. All terms and conditions listed in its March 28, 2008 approval to remain the same.

Respectfully Submitted,



Charlene E. Unoki
Assistant Administrator

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
HONOLULU, HAWAII
Division of Land Management

March 12, 1965

Board of Land and
Natural Resources
State of Hawaii
Honolulu, Hawaii

3-12-65

Gentlemen:

HAWAII

Subject: Amendment to Previous Board Action and
Authorization to Proceed with Sale of Lease

At its meeting of November 25, 1964 the Board approved a proposal (Item F-30) to sell a lease for hotel purposes covering Lot 13 of the Ocean View Lots situated at Waiakoa, South Hilo, Hawaii. At the subsequent meetings of December 18, 1964 (Item F-13) and January 29, 1965 (Item F-5), the Board established the upset annual rental rate at \$15,000 and amended its previous action to permit the construction of a four-story building rather than the three-story limit originally imposed.

In preparing the lease draft, the staff felt it advisable to incorporate several other provisions which were not specifically set forth in the original proposal. These are:

1. Reservation of a ten-foot-wide right of way in favor of the general public over and across the lot, said right of way to run parallel to the south boundary and extending from Banyan Drive to the sea.
2. Rent payments to be on a semi-annual basis.
3. A provision which would allow the Board, in the event of a natural disaster as defined in Section 103A-80(b) R.L.H. 1955, 1963 Supplement, to allow changes in the development schedule.
4. A provision wherein the Board reserves the right for good cause and upon written application of the lessee to modify (a) the building setbacks, (b) floor areas, (c) building coverage, and (d) parking. Also reserving the right to modify building height and guest unit density upon terms, conditions and rental set by the Board.

The lease draft, which incorporates the foregoing, has been prepared and has been transmitted to the County of Hawaii.

RECOMMENDATION:

That the Board approve the sale of the lease covering the government land above discussed under the terms and conditions

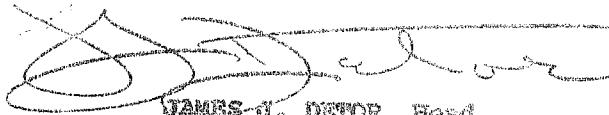
ITEM F-10

EXHIBIT "A"

March 12, 1965

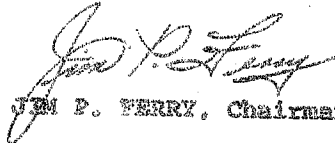
contained in the lease draft in question, which is by reference incorporated herein, and authorize the chairman to proceed with publication of the Notice of Sale and disposition.

Respectfully submitted,

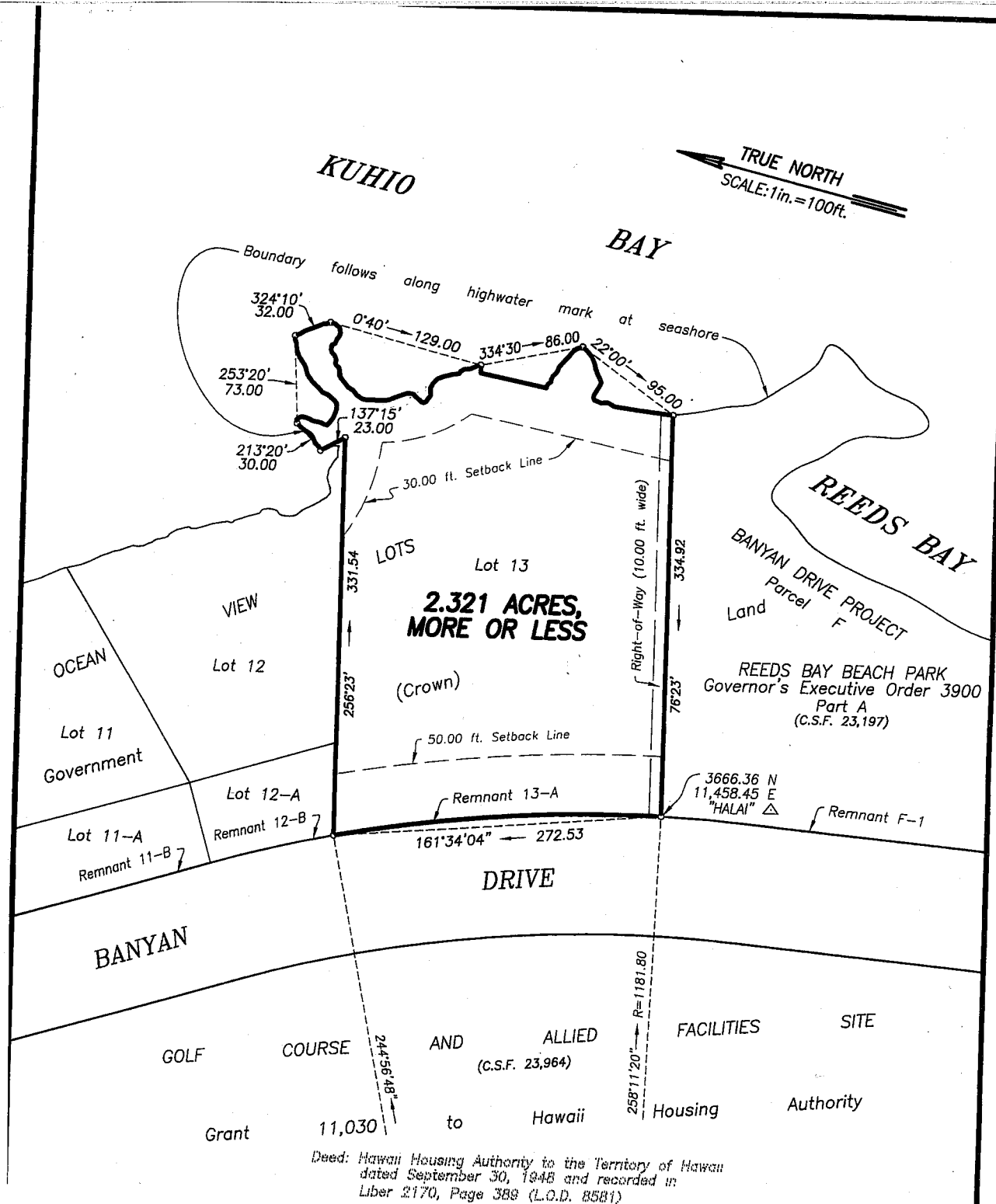


JAMES J. DETOR, Head
Division of Land Management

RECOMMENDED FOR APPROVAL:



JIM P. FERRY, Chairman



ADDITION TO REEDS BAY BEACH PARK

Waiakea, South Hilo, Island of Hawaii, Hawaii

JOB H-129(08)
C. BK.

Scale: 1 inch = 100 feet

TAX MAP 2-1-05 : 28

C.S.F. NO. 24,602

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

JGL April 24, 2008

EXHIBIT "B"